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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
		ARTERBURN	R 6971

INS1/0923

EXAMINER
HOFFMANN, J

ART UNIT	PAPER NUMBER
1731	

DATE MAILED: 09/23/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on 2-23-98
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire Three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-24 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 1, 3 & 5-7 is/are allowed.
- ☒ Claim(s) 2, 4 & 8-24 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

Art Unit: 1304

DETAILED ACTION

Allowable Subject Matter

Claims 1, and 3-7 are allowed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-15, 2, 4, 8-10 and 21-22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Stalego 380741.

As to claim 11: Referring to col. 6, lines 26-35: using the average of the two extremes for each hole diameter and the hole density, the middle portion of figure 6 has a relative hole area of 22.7% whereas the edge has a hole area of 38.2%.

As to claims 12-15, the claims do not indicate what the 10 % is a percent of. Given the broadest reasonable interpretation the value of the "significantly less" is $(38.7 - 22.7)/22.7 = 37\%$ of the hole area/ per unit area of the central portion.

Claims 21-22, and 2 and 8-10 are clearly met.

Art Unit: 1304

As to claim 4, see col. 3, lines 65-75.

Claims 16-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Marra 4624693.

Figure 3 of the Patent discloses the concept of one screen on top of another in the instant field of endeavor. Except for the hole area limitations the invention is clearly disclosed. The “percentage of hole area” language are given their broadest reasonable interpretation, i.e. the hole area of a screen based on the total hole area of both screens together. From claim 4 one of ordinary skill would know that it teaches to have more holes in the bottom screen than in the top screen. Since the holes are of equal size as shown in the drawings, the hole area of the bottom screen would be larger than the hole area of the top screen - therefore the percentage of the bottom screen would be larger. It is “significant” in that it was significant enough for Marra to patent a claim on this aspect.

As to claim 20, this claim is met in as much as the instant invention meets the claim language. All bushings are designed such that more than one diameter of the fiber can be made - depending upon the temperature, composition and draw rate.

As to claim 17, using another broad reasonable interpretation: the percentages being based on the total area of the holes of the top plate, holes 48-48 indicate that the bottom screen has 17

Art Unit: 1304

holes and the top screen has 15 holes. the two percentages are 100% and $17/15 = 113\%$. This gives a "significantly lower" of 13%.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-19 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marra.

It would have been obvious to one of ordinary skill that Marra teaches to have at least one additional aperture. This is because claim 4 requires additional apertures; and it is clear that the holes 48-48 are not considered to be the "apertures" as claimed; col. 4, line 41 indicates they are "holes". The instant claims 16- 19 make no requirement as to the function of the holes. This yield a 'significantly lower' value of $18/15 - 15/15 = 20\%$

As to claim 19, it would have been obvious to put three apertures on each side on the Marra plate so as to retain the symmetry in the glass flow and glass temperatures, and because screen usually have rectangular symmetry (Official notice is made of this). This would yield much more than 30% difference.

Art Unit: 1304

As to claims 23, It would have been obvious to make and use various examples of the Marra invention with various sizes, hole openings, etc, (1) to perform routine experimentation to determine the best screen setup, and/or (2) depending upon the size of the furnace/bushing/final fibers one was intending to employ. The claim merely recites "using a second screen" and does not indicate how or where it is used; it doesn't indicate if the second screen is the "screen lying on top" be used in one of the other various examples mentioned above. Alternatively, it would have been obvious that the hole density is less than the hole diameter when the diameter is measured in microns.

Claim 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Marra as applied to claim 23 above, and further in view of Stalego.

It would have been obvious to use both the Marra and Stalego (for each of their advantages) but not necessarily in the same location. The claims are broadly written so as to encompass "using a second screen" some distance far away. The Stalego stream is the "second screen".

Figures 1-4 need to be labelled "Prior Art"

Art Unit: 1304

Claim Rejections - 35 USC § 112

Claims 20-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 is not understood. It is unclear what is meant by "designed to make". Because it was designed such that it can make fibers with in a range of diameters, it cannot be used to make a diameter which is not within that range. In other words the claim requires that the bushing be used to make fibers of such a diameter which is impossible to make with the bushing. It is unclear if one must use only bushings that were designed to make fibers on only a particular diameter - or if it use a bushing that was designed to make fibers of different diameters.

Claim 23, there is no antecedent basis for "the screen lying on top of the conventional bushing screen". Line 8, there is confusing antecedent basis for "the screen." It is unclear what is meant by "conventional". Is it conventional at the time of invention, time of application, time of issue, or time of allowance? Is it conventional in the fiber arts, in the screen arts, or all arts?

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kiselev, Shule, Veazie, Grubka, Glaser and Marra '027 are cited as being of general interest.

REQUESTS FOR INTERVIEW

To make personal and telephone interviews more efficient, it is suggested that Applicant fax answers to the question below (when desiring an interview); it should be forwarded to Examiner Hoffmann within 24 hours. This suggestion is an expedient; Applicant is in no way required to fax in answers to request an interview. Regardless of the manner of the request, Applicant is expected to provide all of the information requested below - at the time of the request. Most interviews are held to the 30 minute time limit.

- 1) Does Applicant's representative have Power of Attorney (MPEP 713.05)?
- 2) Does Applicant's representative have authority to bind the principal concerned (MPEP 713.05, 713.03)?
(i.e. Does Applicant's representative have authority to make any and all changes?)
- 3) Who will participate in the interview? Who is the primary contact person?
- 4) Is it a personal or a telephone interview that is requested?
- 5) What is the Application number?
- 6) What days/times work best for you?
- 7) To finalize the date and time, do you prefer to have Examiner call you or your assistant, or do you prefer to contact Examiner (703-308-0469)? Phone #?
- 8) What is the intended purpose(s) of the requested interview? MPEP 713.09, 713.01 (the more specific, the more prepared we'll be)
- 9) What is the intended content of the requested interview? MPEP 713.09, 713.01 (What specific issues are you likely to address?)

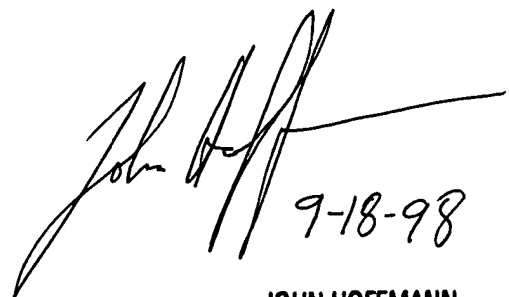
Any inquiry concerning this communication or earlier communications from an examiner should be directed to John Hoffmann whose telephone number is (703) 308-0469.

The fax phone number for OFFICIAL responses after a final rejection is (703) 305-3599.

The fax number for OFFICIAL responses that are not after final rejection is (703) 305-7718.

The fax number to be used during negotiation is (703) 305-3599. UNOFFICIAL faxes can be sent to (703) 305-7115.

Any inquiry of a general nature relating to the status of this application on proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0651

A handwritten signature in black ink, appearing to read "John Hoffmann", with a long horizontal line extending to the right. Below the signature, the date "9-18-98" is handwritten.

**JOHN HOFFMANN
PRIMARY EXAMINER**